FOR MYSORE STATE.

Pub (Genl-D) **(195 /) Department.**

Pt **SERIES.**

G.O. NO.	590
Dated	16-10-1957

Pamt
Ky — 17-x-57

[Despatch Abstract.]

Law & order - maintenance - P.D. Act 1950 - S. Kamaraddi - detenu Lr. N.S. Kamath - habeas corpus petition dismissed - papers returned.

Copy of Immediate letter No.Crl.M.P.1909/51 dated 7th September 1951 from the Public Prosecutor, High Court, Madras to the Deputy Secretary to Government, Public(General) Department.

Sub:- Habeas Corpus applications -Crl.M.P.1909/51 to 1911 & 1915 to 1918/51-N.G. Kamath & others-High Court.

The above applications were admitted by the High Court yesterday and notices to Government have been ordered returnable in two weeks time. As the detenus wanted to have their cases argued in person they have been directed to be produced in Court on 24-9-51. The copies o f the affidavits filed by the & detenus are herewith sent. The necessary counter-affidavits may be prepared and sent to me so as to enable me to have them filed in Court.

/True Copy/

Superintendent.

KLM/8-9

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

CRL.M.P.NO. 1909 OF 1951.

N.G. Kammath. .. PETITIONER.

-Vs-

1. The District Magistrate, South Kanara.
2. The Superintendent, Central Jail, Cuddalore. .. RESPONDENTS.

AFFIDAVIT OF PETITIONER.

I, N.G. Kammath, son of N. Venkat Rao, aged about 30 years, at present a detenu in the Central Jail at Cuddalore, do hereby solemnly and sincerely affirm and state as follows:--

1. I am the Petitioner herein and at present a detenu in the Central Jail, Cuddalore. I was arrested on 26-2-1950 and was detained on 7-3-1950 and am thus in detention without trial for ~~xx~~ 1½ years.

2. I am filing herewith a copy of my detention order abovementioned as Exhibit ~~XXX~~. "A". This was followed by Grounds of detention. Later on what purported to be a confirmation order was served on me specifying ~~the~~ period ~~[illegible]~~ for which the detention shall continue.

3. My detention was however, deemed to continue

further than the Preventive Detention Amendment Act came into force on 22-2-1951. But I respectfully submit that on the facts above-stated my detention was already void long prior thereto. Therefore my detention order could not be deemed to have been a detention order in force to which the Amended Act could apply at all. In this view I am in illegal detention.

4. However, even if it be assumed that the Preventive Detention Amendment Act could apply to my case and mine was a valid detention, I still submit that the provisions of the Amended Act have not been complied with resulting in further irregularities completely invalidating my detention as set out below.

5. My detention was in effect a fresh detention as and from 22-2-1951, the date of the Amended Act. I was therefore entitled as per Article 22(5) of the Constitution to fresh grounds of detention and an opportunity to make a representation thereon before a reference of my case to the Advisory Board under Section 9 of the Amended Preventive Detention Act. This opportunity has not been given. This is a defect which goes to the root of the detention. The gravity of this omission will be further apparent when it is seen that the grounds of detention had already become out of date by 22-2-1951 andfresh grounds had become necessary on the facts

and merits of the case also.

6. I have not been even called before the Advisory Board when my case was examined. Nor have I been given a copy of the findings of the Advisory Board. This amounts to a denial of a fair hearing of my case because the Advisory Board could have had before it only the one-sided and often false reports of the very Executive Officers who have detained me without trial for years.

7. The reference to the Advisory Board has been followed by an order purporting to continue my detention up to 31-3-1952. I am filing a copy of it herewith as Exhibit "B". Significantly enough, for everyone of more than 200 detenus in this jail this identical period has been fixed. This is an abuse of the provisions of the Act. It only shows that the Executive Authoritiessend stereo-typed orders to everyone irrespective of the circumstances of each case.

8. I therefore submit that the procedure followed with regard to the reference of my case to the Advisory Board and the continuation of my detention is contrary to the spirit and terms of the Act and make my detention illegal.

9. I also state that my detention cannot be sustained even on the very grounds furnished to me. I am filing a copy of the Grounds herewith as Exhibit "C". With reference to the Grounds I have to reply as follows:—

(i) I am charged as a "top ranking communist organiser" of the Hosdurg Sub-Taluk and I am accused of circulating several Communist pamphlets and circulars even

after the ban on the Communist Party. It is a false allegation that I have circulated pamphlets etc. while the Party was banned. On the very face of it, the allegations appear false as no particulars are given of what circulars, when and where I distributed. It is a mere general statement without facts. There is nothing like a "top ranking communist organiser". These reasons are never sustainable for detention.

(ii) I was not aware of any detention order issued against me by the District Magistrate of South Kanara under the Maintenance of Public Order Act 1947 and the question of my going underground never arose in as much as I was continuing normal, open and legal living all this time. Further, the said detention order dated 16th April 1948 was an illegal order as the said Act died a natural death on 12th March 1948 as per this Honourable Court's decision. Non-compliance of an illegal order, if any, is no offence or reasonable cause for a detention.

(iii) I was involved in a case under Sec. 395 I.P.C. and I was convicted to undergo 2 months R.I. which period I have already undergone and that can never be brought again to put me in detention as one cannot be called to answer for the same offence twice as per the Constitution. Any detention on such grounds become punitive on that ground alone. Hence, it is no ground at all.

(iv) I am charged of writing some

secret letters said to have been seized from some other Communist. The very suppression of the contents of the letter and any evidence that it was my own etc., show it was nothing but a concoction. I never wrote any such letter. This is a very vague charge and hence a bad one. There was no plan to commit any act of violence by me anywhere in my knowledge and the fact that nothing happened in my parts on 26-1-1950 though I and all the other persons mentioned in the grounds were at large on that date, will prove to the falsity of this charge.

(v) I was arrested when I visited one of my friend's house in a nearby village and I did not know why I was arrested. I had no communist literature or circulars with me. This allegation is included only to prejudice any Court.

(vi) The case referred to under Section 17 of the Criminal Law Amendment Act is subsequently withdrawn by the Government as it was unsustainable. But the fact of this withdrawl by the Government ~~xxxxxxxx~~ is not mentioned anywhere, though I am still kept under detention for the offence said to have committed under that Act too.

Thus a perusal of my grounds alone will convince this Honourable Court that no proper, valid or enough grounds are there to detain me.

I am an ordinary middle class youth just looking after my own domestic affairs for my living. I cannot be persecuted for my political affiliations. Besides this,

aup 1909

I have committed no crime to warrant such a treatment. Certain interested parties have made false reports against me which alone is the reason for the above allegations.

10. The ban on the Communist Party has been lifted long ago and that can no longer be a ground. I have also to emphatically repudiate the slanderous attack on the Party and its policy as deliberately, false. The Communist Party has publicly declared its intention of contesting the ensuing General Elections and condemned terrorism. The General Elections are fast approaching. If the promise by Government of free and fair elections is genuine, I should be released at once. The continuance of my detention is nothing but vindictive persecution of a political opposition by the Congress Government in office today. This is enough to show that the detention is wholly malafide and not at all for any of the purposes specified in the a Preventive Detention Act.

11. I state therefore that my detention is illegal and I pray that I may be directed to be produced before this Honourable Court and heard in person further to this affidavit and set at liberty forthwith.

Solemnly affirmed and signed before me this 30th day of August 1951.

(Sd) N. G. Ramatt
Petitioner in jail custody.

Superintendent,
Central Jail, Cuddalore.

Copy of Most Immediate letter dated 18-9-51 from the Public Prosecutor, Madras to the Deputy Secy. Public Dept.

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Law and Order - Maintenance - Preventive Detention Act, Habeas Corpus petitions of detenus N.G.Kamath, A.Charlie, S.Alagiriswamy and others - Crl.M.P.1909 to 1911 and 1915 to 1918/51.

Ref: Memorandum No.2923/51-1, Public(General D) dated 11-9-51.

--

I note that regarding the grounds of detention the Dist.Magistrates concerned have been asked to file the necessary counter-affidavits. In addition it will be necessary for affidavits to be filed by Govt. setting out the facts showing that the provisions of Preventive Detention Act have been complied with strictly. Govt. may therefore arrange to have these counter-affidavits sent in addition to the counter-affidavits filed by the Dist.Magistrates.

/True copy/

Public(General.D) Department.

Memo No. 2975/51-8 Dated. 20.9.51

Law and Order-Maintenance-P.D.Act, 1950-South Kanara District-Detenu N. G. Kamath-Copies of records -Furnished.

Ref:- Letter from the P.P., Madras dt.18-9.51.

Four copies of the grounds of detention and the representation of the above detenu against the grounds of detention are enclosed. The P.P. is informed that the detenu's case was sent to the Adv. Board for review under section 9(1) of the P.D.Act, 1950 as amended by the P.D. (Amendement) Act, 1951 on 21-3-51 and the Adv. Board in its D.O. Dt. 2-4-51 reported to the Govt that his detention is justified. A counter affidavit ~~expiai~~ stating the above facts will be filed by the Govt. separately and copies of the same will be given to the P.P.

To the P.P. Madras
(with encls.)

19/5/51, L&S. 19.9.51.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CRL M.P. NO. 1909 of 1951

In the matter of Sri N.G. Kamath.

...

COUNTER AFFIDAVIT.

I, Superintendent, Public (General-D) Department, do hereby solemnly and sincerely affirm and state as follows:-

2. I am the Superintendent, Public (General-D) Department, and am conversant with the facts relating to the detention of Sri N.G. Kamath.

3. The petitioner was detained under the P.D. Act, 1950 on 7th March 1950. The grounds of detention were communicated to the detenu and he sent his representation against the grounds to the Government. His case was review by the Reviewing Judge under section 12(2) of the P.D. Act, 1950 and the Judge reported to the Government that hi detention was justified. The Government accepted the abov recommendation and continued his detention in G.O.Ms. No.2914, Public (General-F) Department, dated 30-6-1950 a copy of which was communicated to the petitioner.

4. The Petitioner was in detention when the Preventive Detention (Amendment) Act, 1951 came into force on 22-2-1951. In strict complaince with section 9(1) of the said Act his case was sent on 21-3-51 (headed by a judge of the Madras High) to the Advisory Board constituted under section 8 of the Act for review. Copies of the grounds of detention served on the detenu under the P.D. Act, 1950, his representation against the grounds of detention and the remarks of the detaining authority thereon were placed before the Advisory Board in this connection. The Advisory Board did not call for any fresh representation nor did it direct the detenu to be produced before it to be heard in person. The Advisory Board reported to the Government in its O.O. dated 2-4-51 that the petitioner's detention is justified. The Government accepted the Board's recommendation and continued the detention of this individual upto 31st March 1952 under section 11(1) of the P.D. Act, 1950 as amended by the

P.D.(Amendment) Act, 1951. A copy of the confirmation order issued in G.O.Ms.No. 999, Public (General-F) Dept., dated 17-4-1951 was communicated to the petitioner.

5. The petitioner's case has thus been dealt with in strict compliance with the provisions of the P.D. Act, 1950 as amended by the P.D. (Amendment) Act, 1951.

19/9/51 19.9.51

Filed on 21.9.51.

21.9.51

Draft II on p 3 misc

Immediate.

Sri V.T.Rangaswami Ayyangar, B.A.B.L., To
Public Prosecutor,
Madras.

The Deputy Secretary to
Government,
Public (General)Dept.,Madras.

M.P.1721/51, Dated 24-9-1951.

Sir,

Sub: Habeas Corpus applications - Sri K.Anandan Nambiar, M.L.A., Sri P.Venkateswaralu, M.L.A. and Sri M.R. Venkataraman, Advocate - Detenus - Released.

In Crl.M.P.Nos.1815, 1722 and 1721 of 1951 filed by Sri K. Anandan Nambiar, M.L.A., Sri P.Venkateswaralu, M.L.A. and Sri M.R.Venkataraman, Advocate, their Lordships had directed the release of the petitioners today on the ground that the grounds were irrelevant for further detention and on my request for a grant of Certificate under Article 132 of the Constitution, their Lordships desired that an application be taken out for that purpose. I await further instructions regarding the taking up of the matter to the Supreme Court.

Take action as here & immediately. Call 25/9

Crl.M.P.No.1909/51 filed by Sri N.G.Kamath of South Kanara came up for orders today and there was a reference made in paragraph 9(iii) of his affidavit regarding his conviction for two months imprisonment for an offence which was stated to be for extortion. The details of the same had not been referred to in the counter-affidavit in spite of repeated reminders to that effect. Again in sub-paragraph (iv) it was stated that he wrote some secret letters and reference was made to ground No.3 of the grounds of detention where reference was made to Cr.No.5/50 in Kinnanur station, South Kanara when a letter was stated to have been seized from a communist worker Vannathan Chandu on 20-1-1950 which showed that it was written by the detenu N.G.Kamath. It had been further stated in ground No.3 of the grounds of detention that the letter reveals a conspiracy between the detenu Vannathan Chandu, N.K.Kuttan and other communists of that area who indulged in acts of sabotage such as blowing up of Nileshwar railway bridge and attacking a station on the Republic day viz., 26-1-1950. It was stated that that crime No.5/50 ended in acquittal mainly on the grounds that the letter referred to was

not produced. Their Lordships found the counter affidavit sworn to by the Inspector of Police very unhelpful and it was with very great difficulty that I got further time till 27-9-1951 for the production, if possible, of the letter for the perusal of the Judges and here again the counter-affidavit did not refer to the results of the crime number referred to and the final result of the case in which the said Vannathan Chandu was charged should also be communicated. Vague and inconclusive denials in counter-affidavits are seriously criticised and I was not able to give further help to the Court and in fact the affidavit of the Inspector refers to letters while in fact ground No. 3 makes it appear as if a letter was seized from the communist worker Vannathan Chandu. These matters are required to be clarified and time had been granted till Thursday the 27th September for ~~furnishing~~ furnishing the necessary particulars by means of an affidavit and if it is possible, the Judges would like to have a look at the letter referred to in ground No; 3. This may be treated as specially urgent.

[illegible]

Public Prosecutor.

Rel
24/9

CONFIDENTIAL

IMMEDIATE

FOR PERSONAL ATTENTION.

D.O.No. 2923/51-4

Fort St.George,
Dated, the 25th September 1951.

My dear Krishnayya Shetty,

Law and Order - Maintenance - Preventive Detention Act, 1950 - South Kanara District - Detenu Sri K.G.KESAVA - Habeas Corpus petition No.1909/51 in High Court, Madras. Filing of supplementary counter-affidavits.

—

I am to enclose an extract of the letter ...P.1721/51 dated 24-9-1951 from the Public Prosecutor, Madras and to request you to contact the District Superintendent of Police, South Kanara immediately on the Trunk Telephone and to request him to have the counter-affidavit in respect of the matters pointed out in the Public Prosecutor's letter filed in the High Court, Madras on the 27-9-1951 without fail. The District Superintendent of Police, South Kanara should also be asked to produce the letter referred to in the Public Prosecutor's letter in the High Court in this connection as desired by the Hon'ble Judges. In view of the shortness of time, the importance and the urgency of the matter, the District Superintendent of Police, South Kanara should be asked to bestow his personal attention and to see that the necessary action in the matter is taken promptly.

before 10 am on

Yours sincerely,

To

1.) Sri M.Krishnayya Shetty,
Dy.Inspector General of Police, Special Armed Police
in charge of the Special Branch, C.I.D., Madras.
(with encl).

2.) Copy to the Public Prosecutor, Madras.

3.) Copy to the Dist.Superintendent of Police, South Kanara.
(with encl).

being taken.

Ref.C.No.9448/50-MHC

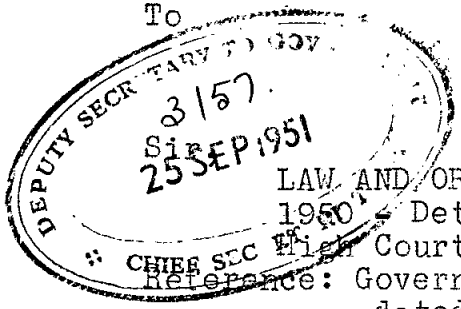
South Kanara District Magistrate
Office, Mangalore, Dated 22-9-51

From

Sri. A. R. Rajaratnam, B.A.,
District Magistrate of South Kanara.

To

The Chief Secretary to Government,
Public (General D) Department,
Fort St. George, Madras 9



Sir,

LAW AND ORDER - Maintenance - Preventive Detention Act 1950 - Detenu N.G.Kamath - Habeas Corps petition in the High Court - Filing of counter affidavit.

Reference: Government Memo No.2923/51-2 Public (General) Department dated 11-9-51.

Four copies of the counter affidavit prepared and sworn by the Inspector of Police, Kasaragod, have been forwarded to the Public Prosecutor, Madras. I enclose a copy of the same as directed.

Yours faithfully,

For Dt. Magistrate.

ks/22-9

59

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Cri.M.P. 1909/51

Sri K.G.Kamath -- Petitioner.

versus

1.The District Magistrate, South Kanara,
2.The Superintendent, Central Jail, Cuddalore } Respondents.

Counter affidavit filed on behalf of the respondents by - Janab P.M.Mohamed, Circle Inspector of Police, Kasaragod.

1. I, Janab P.M.Mohamed, Muslim, aged about 47 years, Inspector of Police, Kasaragod, do solemnly affirm and state as follows:-

2. I am the Inspector of Police, Kasaragod Circle, within the jurisdiction of South Kanara District.

3. I say that there was a detention order issued against the petitioner by the District Magistrate of South Kanara on 16-4-48 under the Madras Maintenance of Public Order Act. But the petitioner could not be arrested as he was underground. He was arrested on 26-2-1950. He was required in three criminal cases and was duly remanded. Later the District Magistrate of South Kanara issued a Detention order on 7-3-1950 against the petitioner under the Preventive Detention Act (Central Act IV of 1950). The said detention order was confirmed by the Government in G.O. Ms. No. 999, dated 17-4-51 and the period of detention was fixed till 31-3-1952.

4. It is not true that the order of detention is illegal in any sense. The grounds supplied to the petitioner clearly set out the substance of the accusations against the petitioner. The grounds supplied to him are neither vague or false.

5. It is denied that the detention of the petitioner is not a valid one or that the provisions of the amended Act have not been complied with. Nor are there any irregularities — which invalidate the detention.

6. I say at the time when the detention order was sent to the petitioner on 4-4-1950, he was required to submit his representations, if any, against the grounds of detention. It is not correct to say that when the Government confirmed the detention order in question, it would tantamount to a fresh —

detention order, nor the petitioner would be entitled to be supplied with fresh grounds of detention and a fresh opportunity being given to make one more representation. There was no omission, whatsoever.

7. The allegations in para 6 of the petitioner's affidavit are unsustainable. The petitioner is not as of right entitled to be called before the Advisory Board when his case was being examined nor is he entitled to be given a copy of the findings of the Advisory Board. It is not correct to say that there was a denial of a fair hearing of the petitioner's case. The Advisory Board considered the grounds served on the petitioner and also the representations made by the petitioner. It is not true to say that the reports submitted are false in any respect.

8. The allegations in para 8 of the petitioner's affidavit are not true and correct.

9.I say the facts set out in the grounds served on the petitioner are true. Necessary particulars are given therein. The petitioner was absconding and was working underground for a long time till his arrest on 26-2-1950.

10.I say the allegations in para 9(iv) of the petitioner's affidavit are not true. The letters were those written by the petitioner and they clearly indicate his violent activities. There were considerable communist literature and circulars with him at the time of his arrest.

11.There were absolutely no political motives in the arrest or the detention of the petitioner.

All these are true.

Mohammad

Inspector of Police.

Kasaragod 21.9.57

Solemnly affirmed and signed before me this 21st day of September 1954 at Kasaragod.

21.9.57 Sub Magistrate

No.R. 6855

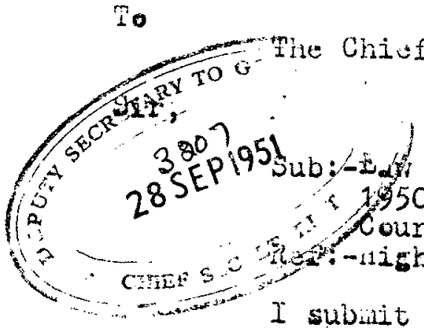
Office of the Superintendent,
The Penitentiary, Madras, Dated 26-9-51.

From

Mr. Douglas P.Alberts, M.A., Superintendent.

To

The Chief Secretary to Government of Madras.



Sir,

Sub:-Law and Order - Maintenance - Preventive Detention Act, 1950 - Detenu N.G.Kamath - Production before the High Court, Madras - Report submitted.

Ref:-High Court's Order Crl.M.P.No.1909 of 1951 dated 24-9-51

I submit herewith a copy of the High Court's Order cited above, for favour of information. Detenu N.G.Kamath will be produced before the High Court, Madras at 10-45 a.m. on 27-9-51 xx in accordance with the High Court's Order cited above.

Superintendent.

Copy submitted to the Inspector General of Prisons, Madras, with a copy of the High Court's Order cited above.
Copy to the Superintendent, Central Jail, Cuddalore with a copy of the High Court's Order cited above.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.
CRL. M.P. NO.1909 of 1951.

N.G.Kamath. Petitioner.
(Detenu in the Central Jail at Cuddalore.)

To

The Superintendent,
The Penitentiary, Madras.

WHEREAS, upon hearing the arguments of Mr. S.Mohan Kumaramangalam, advocate for the petitioner and of the Public Prosecutor on behalf of the State, this Court hath directed the issue of a warrant to the Superintendent, the Penitentiary, Madras directing him to produce the petitioner herein (a detenu in the Central Jail, Cuddalore now in the Penatentiary, Madras) before the High Court, Madras on the 27th September 1951 at 10-45 a.m.

YOU, the Superintendent, the Penetentiary, Madras hre hereby directed to produce the person of N.G.Kamath a detenu in the Central Jail at Cuddalore and now in your custody before the High Court, Madras on Thursday the 27th day of September 1951 at 10-45 a.m.

Herein fail not.

Given under my hand and the seal of the High Court this the 24th day of September 1951.

(sd) xx xx xx
Deputy Registrar, Appellate Side. 24-9-51.

(True copy)

Superintendent,
The Penetentiary, Madras.

RK/20.9

B. C. No. of ~~1949~~ 1951.

H.Ct.No.703—2,000—30-6-50.

3337
11.10.51

From V. Krishnaswami B.A. B.L.
Sri ~~R. Jayaram Ayyar, M.A., B.L.,~~
~~Deputy~~ Registrar, Appellate side,
High Court, Madras.

To
The Chief Secretary to the Government of Madras,
Public (General-E) Department,
Fort St. George, Madras.

(with a copy of order in Crl. M. P. No. 1909 of ~~1949~~ 1951)

Dated October ~~September~~ 1951.

Sir.

I am to forward herewith, for information of the Government a copy of the Order of the High Court dated 27/9/1951 in Crl. M.P. No. 1909 of 1951.

Yours faithfully,

V. Krishnaswamy
5.10.51
Deputy Registrar, Appellate side.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, Twentyseventh day of September,
One thousand nine hundred and fiftyone.

Present:

THE HONOURABLE MR. Justice Mack.
AND
THE HONOURABLE MR. JUSTICE Somasundaram.

Criminal Miscellaneous Petition No. 1909 of 1951

...

In the matter of N.G. Kamath
a detenu in the Central Jail at Cuddalore

...

Petitioner.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue directions in the nature of a HABEAS CORPUS for production before the High Court, Madras, the person of N.G. Kamath a detenu in the Central Jail at Cuddalore to be dealt with according to law and direct that he/~~they~~ be set at liberty.

ORDER: This petition coming on for ~~orders~~/hearing, upon perusing the petition and the affidavit filed in support thereof and other papers material to this application, and upon hearing the arguments of Mr. S.Mohanakumaramangalam and V.G.Row of Messrs Row and Reddy Advocates for the petitioner and of ~~Mr.~~ for the Public Prosecutor on behalf of the State ~~Crown~~, ~~IT IS ORDERED~~ that now a detenu in the Central Jail at under Act IV of 1950 be released forthwith from custody, unless he is liable to be detained in custody for some other cause.

Deputy Registrar, App.Side.

(True copy)

Sub Assistant Registrar, App.Side.

To
The Superintendent, Central Jail (in duplicate).
The Chief Secretary to the Government of Madras (public (General) E-Dept.Fort St.George,Madras. (with C.L.)
The District Magistrate,

the Court made the following order;

(Order of was delivered by Somasundaram J.)

The petitioner was arrested on 26--2--1950 and has been detained ever since under the Preventive Detention Act of 1950, as amended by Act IV of 1951. The main and serious allegation against the petitioner is that a letter which was seized from one Vannathan Chandu on 20--1--1950 in Cr. No. 5 of 1950 of Kinnanoor Station was said to have been written by the petitioner herein. It is stated that the letter reveals a conspiracy between the petitioner, Vannathan Chandu, N.K. Kuttan and other communists of that area. Vannathan Chandu was tried for an offence under S. 17 of the Criminal Law Amendment Act and the learned Public Prosecutor says that he was sentenced to six months' Imprisonment and that that sentence was reduced to the period already undergone by the appellate court. In that case, the letter purported to have been written by the petitioner was filed and is stated to have been proved by a witness to be in the handwriting of the petitioner herein. The petitioner who has been produced before us now states that this letter was a forgery and that he never wrote that letter. It is not for us to go into the truth or otherwise of the allegations contained in the grounds. That it is a letter written by the petitioner has been accepted by a court and we do not propose to go farther than that. We think that in the circumstances no case has been made out for the release of the petitioner herein. The petition is dismissed.

(Sd.) V. Krishnaswami,
4-10-1951.
Assistant Registrar, Appellate Side.

/ True copy /

Sub Assistant Registrar, App. Side.

To

The Superintendent, Central Jail, Cuddalore
(in duplicate).

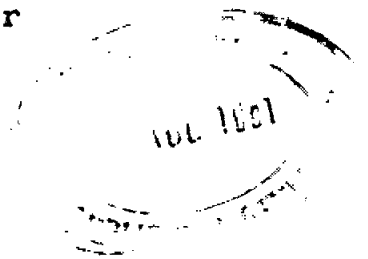
2. The Chief Secretary to the Government of Madras,
Fort St. George, Madras.

Dated 27 9 1951.

ORDER:

Crl.H.P.No.1908 of 1951.

Dismissing the petition to issue a writ of Habeas Corpus directing the respondent to produce the petitioner herein before the High Court, Madras.



33

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

day, the day of

Thursday, the twenty-seventh September,
One thousand nine hundred and fifty-nine.

Present:

THE HONOURABLE MR.
and
THE HONOURABLE MR. Justice Rack.

Criminal Miscellaneous Petition No. 1909 of 1959

In the matter of

N.G. Kenath
a detenu in the Central Jail at Cuddalore

Petitioner.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue directions in the nature of a HABEAS CORPUS for production before the High Court, Madras, the person of N.G. Kenath a detenu in the Central Jail at Cuddalore to be dealt with according to law and direct that he/~~they~~ be set at liberty.

ORDER: This petition coming on for ~~orders~~/hearing, upon perusing the petition and the affidavit filed in support thereof and other papers material to this application, and upon hearing the arguments of Mr. Advocate for the petitioner and of Mr. Reddy for the Public Prosecutor on behalf of the State, IT IS ORDERED that now a detenu in the Central Jail at under Act IV of 1950 be released forthwith from custody, unless he is liable to be detained in custody for some other cause.

Deputy Registrar, App.Side.

(True copy)

Sub Assistant Registrar, App.Side.

To
The Superintendent, Central Jail (in duplicate).
The Chief Secretary to the Government of Madras (public (General) E-Dept.Fort St.George,Madras. (with C.L.)
The District Magistrate,

the Court made the following order;

(Order 44 are delivered by written memo.

This petition was presented to [illegible]-1950 and has been delivered to Judge Lucas under the executive reorganization act of 1939, as amended by act of 1951. The petition recites and certifies against the petitioner in that a bill of exceptions was signed on the fourteenth (herein on [illegible]-1950 at Dr. D. C. Bill of Exceptions [illegible] and said to have been certified by the petitioner herein. It is contended that the letter records a conference between the petitioner, counsel and Judge Lucas and other counsel to the first case. Thereafter (herein one tried for a distance later . 17 of the criminal law the district act and the learned public prosecutor says that he was confronted by the Judge's letter which is not certified to be correct by the Judge. The petitioner has filed a petition to have this letter proved by evidence to be in the handwriting of the petitioner herein. The petitioner who has been produced before us was given that this letter was a forgery and that he never wrote that letter. [illegible] letter to the effect of elimination of the subject matter [illegible] in the petition. [illegible] petition by the petitioner has been rejected by a court [illegible] and prayed to be further [illegible]. The High Court [illegible] the circumstances [illegible] and [illegible] the release of the petitioner herein. [illegible] petition is dismissed.

[illegible]

[illegible]

/ True copy /

[illegible]

Sub-Assistant Registrar, [illegible].

To

The Superintendent, Central Jail, [illegible]

(2) Collector,

3. The Chief Secretary to the Government of [illegible],

Fort St. George, [illegible].

Dated 27 9 1951.

Crl.M.P.No.1906 of 1951.

Considering the petition to issue a writ of Habeas Corpus directing the respondent to produce the petitioner herein before the High Court,Madras.

C.M.O. 2923/51

Pub (Pol. A) dept.

Sub: Law and order - maintenance - O.P.S. Act 1950 - Habeas Corpus petition of detenu K. Chandra Mukhi and 3 others.

The letter from the P.P. Madras on pp 15-16 C may be perused. It is understood from Pub (Pol) dept that necessary action w.r.t para (1) of the P.P's letter is being taken by them separately.

Action w.r.t para (2) of the letter has already been taken as ordered by D.S on the margin on p 15-C. The copy of the counter affidavit originally filed by the Superintendent of Police Karaigudi in the High Court at pp 21-23 C may be perused. No further action is called for in this case at present. W.r.t the D.O. on p. 17 C. it is understood from the P.P's office that the Inspector of Police concerned has come down to Madras with the necessary particulars and the case is being heard today & no further action is called for at present.

24/9/51

27.9.51.

The High Court's order dismissing the Habeas Corpus petition of detenu K. Kamath at pp 31-32 C may be perused. These papers may be recorded in A.R. Sec.

Sec R.590 of 16.10.51

Law (under - Maintenance) 13.10.51:
P.D. Act 1950 -
S. Kamaradt -
detenu Mr. K. S. Kamath.
Habeas Corpus petition dismissed.
papers recorded.